

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DALE THOMAS,

Plaintiff,

Civil Case No. 13-13234

HON. MARK A. GOLDSMITH

vs.

CAPITAL ONE BANK USA,
N.A., et al.,

Defendants.

**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' JOINT MOTION FOR
JUDGMENT ON THE PLEADINGS (DKT. 66) AS MOOT**

Defendants filed a motion for judgment on the pleadings and request for stay of discovery (Dkt. 66), which argues that the complaint does not plead sufficiently detailed or specific factual allegations and is therefore defective for failing to articulate a plausible claim as required by the Supreme Court's decision in Ashcroft v. Iqbal, 556 U.S. 662 (2009) (analyzing Fed. R. Civ. P. 8(a)(2)). The Court issued an Order (Dkt. 67) granting Plaintiff leave to file an amended complaint on or before December 27, 2013. The Order provided that if Plaintiff timely filed an amended complaint, the Court would deny without prejudice Defendants' currently pending motion as moot.

Plaintiff timely filed an amended complaint (Dkt. 68). Therefore, the motion for judgment on the pleadings (Dkt. 66) is denied as moot without prejudice.

SO ORDERED.

Dated: December 20, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 20, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager